

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

BRAD DAWSON, ET AL

CIVIL ACTION NO. 13-cv-3299

VERSUS

JUDGE STAGG

ROCK-TENN SERVICES, INC.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

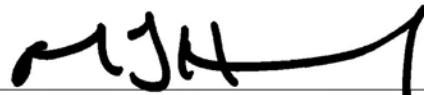
Brad and Charlene Dawson (“Plaintiffs”) filed this action against Rock-Tenn Services, Inc. based on an assertion of diversity jurisdiction. Plaintiffs, citizens of Louisiana, bear the burden of alleging facts that demonstrate complete diversity of citizenship. The court earlier issued an order (Doc. 8) that pointed out the allegations of Rock-Tenn’s citizenship were insufficient and would require an amended complaint. Plaintiffs filed an amended complaint that (1) contained the necessary information to properly allege the citizenship of Rock-Tenn and (2) added new defendants Rock-Tenn CP, LLC and Rock-Tenn Company.

The amended complaint adequately alleges the state of incorporation and principal place of business for Rock-Tenn Company. It contains similar allegations for Rock-Tenn CP, LLC, but the citizenship of an LLC is determined by the citizenship of all of its members, with its state of organization or principal place of business being irrelevant. Harvey v. Grey Wolf Drilling Co., 542 F.3d 1077 (5th Cir. 2008). If the members are themselves partnerships, LLCs, corporations or other form of entity, their citizenship must be alleged in accordance with the rules applicable to that entity, and the citizenship must be traced through however many layers of members or partners there may be. Feaster v. Grey

Wolf Drilling Co., 2007 WL 3146363 (W.D. La. 2007). The court has explained the need for such detail in cases such as Burford v. State Line Gathering System, LLC, 2009 WL 2487988 (W.D. La. 2009).

Plaintiffs will be allowed until **April 18, 2014** to file a motion for leave to again amend their complaint and attempt to set forth allegations that properly show the citizenship of the LLC. Diversity jurisdiction will be destroyed if the LLC has any Louisiana citizenship. Counsel for the defense is directed to cooperate in voluntarily providing the citizenship information for the LLC to counsel for Plaintiffs so that this preliminary issue may be resolved without undue expense or delay. If necessary, however, Plaintiffs may apply for leave of court to conduct discovery limited to this issue.

THUS DONE AND SIGNED in Shreveport, Louisiana, this 3rd day of April, 2014.



Mark L. Hornsby
U.S. Magistrate Judge